

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA :  
                               :  
-against-                   : 21 CR 446 (VSB)  
ANDREW FRANZONE          : SUPPLEMENTAL AFFIDAVIT OF  
                               :  
                               :  
                               :  
-----X

STATE OF NEW YORK      )  
                              )  
                              ) ss.:  
COUNTY OF NEW YORK     )

Margaret McGuirk, also known as Peggy Franzone, being duly sworn and under penalties of perjury, deposes and says as follows:

1. I am the mother of the Defendant, ANDREW FRANZONE.
2. Prior to calling the Westin Hotel on April 24, 2021, I had already learned that my son, ANDREW FRANZONE, had been arrested. Sometime between April 22, 2021 and April 24, 2021, my son asked me to contact the Westin Hotel on his behalf to make sure that his room at the Westin Hotel and his belongings were secured and would be waiting for him once he was released on bail. At that time, I believed that my son would be returning to his hotel room at the Westin Hotel. According to what my son had told me, after he had spoken with his public defender, he expected to have a bail hearing and to be released on bail within days, and he planned to resume living at his room at the Westin Hotel upon his release. (My son had been living at the Westin Hotel for approximately a year at the time of his arrest.)
3. It was because of my son's request to pay the hotel bill that I called the Westin Hotel on April 24, 2021. Only then, when I tried to make sure that his hotel room and his

belongings would be waiting for him after his release, did an employee, Robert, inform me that my son had already been checked out and would not be returning to his room at the Westin Hotel. I then questioned Robert as to how my son's belongings could be returned.

4. I was then transferred to Alain's telephone line on April 24, 2021. I was unable to record a message for Alain because there was no answering machine or voicemail system on Alain's phone. I was then transferred to the front desk, and left a message with the receptionist for Alain to call me back.
5. Since I did not have a direct number for Alain, I had to call the Westin Hotel back another time, and again ask the person at the front desk to put me through to Alain.
6. I first spoke with Alain sometime between April 25, 2021 and April 27, 2021. At the time, I had no reason to think that I would need to remember or keep a record of which dates I spoke with Alain. I was only concerned about getting my son's belongings returned.
7. When I did speak with Alain, he did not make it clear which of my son's electronics had been picked up by Ed Gannon, where he had gotten them from, (or, for that matter, who Ed Gannon was, which I only learned later on). Alain did tell me that the remainder of my son Andrew's property remained in the Westin Hotel in two bags in the back of a business center.
8. I ended up calling the Westin Hotel multiple times after April 24, 2021 to try to have my son's belongings returned. Each time that I called, I would ask the person at the front desk to put me through to Alain. I spoke with Alain multiple times, but after a certain point, I could no longer get Alain on the phone. When this happened, I asked the person

at the front desk to give a message to Alain for me, but Alain would not return my phone calls.

9. Although Alain asked me if I could have someone pick up my son's belongings from the Westin Hotel, my husband and I lived (and still live) in New York. This was still during the Coronavirus pandemic, and, given my and my husband's elevated risk, I did not believe that I should travel to Florida during the pandemic.
10. With my son behind bars, I did not have any relatives living near the Westin Hotel in Florida.
11. My son continued to ask me, over and over again, to help him have his belongings returned to him. At some point, I began asking his public defender to assist in the return of my son's property.
12. I spoke with my son's public defender and requested that he send someone to go to the Westin Hotel to retrieve my son's belongings. The public defender pledged that he would attempt to send someone to the Westin Hotel to do so. I now know that no one was ever sent to the Westin Hotel to pick up my son's belongings on his behalf.
13. Attached are true and correct copies of emails that I exchanged with my son's public defender from June 8, 2021 to July 14, 2021. These emails do not include all of my communications with the public defender on this because I also spoke with him over the telephone. But this is what I was able to locate in my emails.
14. Based on my communications with the public defender, (not to mention the fact that the Westin Hotel never returned my son's belongings and that I was no longer able to reach Alain), in or about June of 2021, my understanding was that my son's belongings were no longer at the Westin Hotel. Rather, according to the public defender, some of my son's

belongings were in the possession of the Government, and other belongings would be at one of the facilities where my son was held prior to his being transported to the Metropolitan Detention Center in New York.

15. In response to my emails to the public defender, the attorney wrote, "He'll get his computer back when the case is over. His computer is considered evidence and the government has it.... He knows ALL of this because he's asked me about it every time we talk." June 20, 2021 6:19 pm Email from Public Defender (attached). He had also written, "He knows the agents took his computer and phone. Of course they are not at the jail; they are being examined as part of the evidence. The only things at the jail are whatever he was wearing when he got arrested. They will not give me his things. He needs to pick them up himself. He knows all of this." June 14, 2021 7:03 p.m. Email from Public Defender (attached).



MARGARET MCGUIRK, M.D.  
Also known as Peggy Franzone

Sworn and subscribed to before me this 9<sup>th</sup> day of September, 2022:

  
Notary Public